

Exhibit D

To the Declaration of J. Michael Keyes in Support of
Defendant's Opposition to Plaintiff's Motion to Exclude
and/or Strike Defendant's Expert Witness and Report

From: Hansen, Connor
Sent: Monday, August 11, 2025 7:24 AM
To: Lauren Hausman; Tia Kelly; Jonathan Alejandrino
Cc: Keyes, Mike; Duran, Nancy; Ganir, Kayla; Hansen, Connor
Subject: Grecco v. TikTok - Summary Judgment

Hi Lauren,

Please provide your availability for a meet and confer to discuss TikTok's forthcoming Motion for Summary Judgment. The meet and confer has to occur no later than this Friday. We plan to move for summary judgment on at least the following issues: (1) Grecco's takedown notices are ineffective because Grecco admittedly did not consider fair use before sending them, which is required by 9th Circuit precedent. Accordingly, summary judgment is appropriate on both the contributory and vicarious infringement claims. (2) Alternatively, there is no evidence that TikTok received a direct financial benefit from the alleged infringement and summary judgment is appropriate on Grecco's vicarious infringement claim.

In addition, we may move for summary judgement on actual damages. There is simply no evidence showing that Plaintiff is entitled to actual damages or evidence relating to the amount of actual damages that Plaintiff claims it is entitled to recover, particularly since Plaintiff did not serve an expert report in this case. Mr. Grecco testified at his deposition that he is only seeking statutory damages; you should formally elect statutory damages now to avoid the costs for both parties of summary judgment on this issue. If Plaintiff does not formally elect statutory damages this week, we will proceed with summary judgment on actual damages.

Please let us know when you are available for a meet and confer and be prepared to discuss the issues above.

SUBJECT TO FRE 408:

[REDACTED]

We

will also be serving an expert report later this week relating to damages

[REDACTED]

Thanks,
Connor

Connor J. Hansen

IP Litigation Associate

Pronouns: He/Him/His

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